

**THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO**

IN RE:	) CHAPTER 13
	) CASE NO: 17-52458
DAVID E GARDNER)
	) ALAN M. KOSCHIK
	) BANKRUPTCY JUDGE
DEBTOR(S))
	) TRUSTEE'S MOTION TO MODIFY PLAN
	) AND INCREASE DEBTOR(S) MONTHLY
	) PAYMENTS IN CASE FILED AFTER THE
	) EFFECTIVE DATE OF THE BANKRUPTCY
	) ABUSE PREVENTION AND CONSUMER
	) PROTECTION ACT OF 2005
)
	) THIS MODIFICATION IS EFFECTIVE AS
	) OF 7/17/2018 UNLESS AN OBJECTION IS
	) FILED WITH THE COURT
)

Now comes Keith L. Rucinski, the Chapter 13 Trustee, and moves this Court for an order to modify the confirmed Chapter 13 Plan pursuant to 11 USC Section 1329. The Trustee states that the current payments into the Plan are not sufficient to allow the Debtor(s) to complete the plan within 60 months from the date of the petition filing.

The Trustee states that the plan payments must be increased from the current payment of **\$550.00** per month to a payment of **\$658.00** per month.

Further, the Trustee states that the following were found:

As of today the debtor is \$1,755.00 delinquent in plan payments. The plan is not feasible as it will last a total of 119 months; plan payments need increased in order to restore feasibility.

In accordance with 11 USC Section 102 and Administrative Order 08-09, unless a party in interest files a written objection to the Trustee's proposed modification within 40 days from the date in the below certificate of service, the Trustee's proposed modification shall be deemed an order of the Court which modifies the confirmed Plan pursuant to 11 USC Section 1329(b)(2). Objections must be served on all parties in the below certificate of service.

Objections must be filed with the United States Bankruptcy Court at:

**United States Bankruptcy Court
2 South Main Street
455 John F. Seiberling Federal Building
Akron, OH 44308-1810**

CHAPTER 13
Keith L. Rucinski
Trustee
Akron, OH 44308
(330)762-6335
Fax
(330)762-7072

Respectfully submitted,

/s/ Keith L. Rucinski

Keith L. Rucinski, Chapter 13 Trustee

Ohio Reg. No. 0063137

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CHAPTER 13

Keith L. Rucinski

Trustee

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CERTIFICATE OF SERVICE

I hereby certify that on 06/07/2018, the following were served a copy of this pleading:

Via Regular Mail

DAVID E GARDNER
1210 CHESTER AVE
AKRON, OH 44314

JAMES F CICCOLINI (Via ECF)
Office of the US Trustee (Via ECF)
Keith L. Rucinski. Chapter 13 Trustee (Via ECF)

Date of Service: 06/07/2018

By: Tammy Rowe
Office of the Chapter 13 Trustee

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